

JUN 14 '05 10:30AM PROTOOLS/NGC BVTN

P.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kouznetsov et al.

Application No. 10/056,702

Filed: January 25, 2002

**For: SYSTEM AND METHOD FOR
PROVIDING A FRAMEWORK FOR
NETWORK APPLIANCE MANAGEMENT IN
A DISTRIBUTED COMPUTING
ENVIRONMENT**

)
)
) Group Art Unit: 2161
)
) Examiner: Santos, Patrick J.

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. section 1.131)**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States at a date prior to May 30, 2001, which is the effective date of United States Patent Publication No. 2002/0184619 that was cited by the Examiner.
2. The person making this declaration is an inventor, Michael Chin-Hwan Pak.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following statement and exhibit are submitted as evidence:

EXHIBIT A – Confidential disclosure document and an e-mail referring to the confidential disclosure document generated before the filing of the present patent application showing the conception and/or reduction of practice of a framework for network appliance management in a distributed computing environment at least as early as April 3, 2001. See attached.

STATEMENT: I, Michael Chin-Hwan Pak, hereby state that the invention in the above patent application was conceived and/or reduced to practice at a date prior to May 30, 2001, as evidenced, at least in part, by EXHIBIT A. In particular, at a date prior to May 30, 2001, the invention in the above patent application was at least conceived to include an appliance status table recording a status report periodically received from a status daemon autonomously operating on each of a plurality of network appliances, each status report containing health and status information and application-specific data

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pertaining to autonomous configuration and management of the each network appliance; and a catalog server maintaining configuration settings for each network appliance progressively assembled concurrent to providing installable components and dynamically providing a catalog listing currently installable components for each network appliance based on the configuration settings independently received from the network appliance.

Moreover, the invention was conceived to include an internal catalog of components installed on one such network appliance identified by component and version; and a status daemon operating autonomously on the one such network appliance and periodically providing a status report containing health and status information and application-specific data pertaining to autonomous configuration and management of the one such network appliance; and a catalog checker obtaining a catalog of currently installable components dynamically generated for the one such network appliance based on the status report independently received from the one such network appliance and determining non-current components by comparing the components and versions listed in the obtained catalog against the internal catalog, as well as other claimed features.

From this statement and attached exhibit, it is clear that the invention in this application was made at a date prior to May 30, 2001.

DILIGENCE

4. It is hereby declared that applicant acted diligently from a time prior to the effective date of United States Patent Publication No. 2002/0184619 up to reduction to practice or the filing of the above application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted prior to a final rejection or with a first reply or after a final rejection for the purpose of overcoming a new ground of rejection or requirement made in such final rejection. Thus, the declaration submitted herewith is considered timely and should be considered. See MPEP 715.09 (C).

DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor's signature:


Michael Chin-Hwan Pak

Date: June 14, 2005

Country of Citizenship:

United States of America

Residence:

15894 NW Andalusian Way
Portland, Oregon 97229

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FROM : Victor Kouznetsov

PHONE NO. : 503 466 4526

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SIGNATURE(S)

Inventor's signature:


Victor Kouznetsov

Date: 6/21/05

Country of Citizenship:

USA

Residence:

USA

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